

5. Dec. 2003 21:46

MAISON MERCIER

Nº.9669 P. 1

*Micheloud & Cie**www.micheloud.com*

Google, Inc.

Attn: Customer Support, DMCA Complaints

██████████ Pkwy

Mountain View, CA 94043

Lausanne, December the 5th 2003

Sent via : Federal Express and by fax
Concerning : Infringement of copyright notification
Original website : www.swiss-bank-accounts.com
Infringing website : www.swissgates.com

Sir,

I am a certified Swiss lawyer and a partner of Micheloud et Cie, a Swiss company incorporated in Lausanne, Switzerland. Our company offers services to help international clients open Swiss bank accounts. We get some of our clients through the internet with our website www.swiss-bank-accounts.com. Our company exists since 1999. We are a family business regularly featured in Swiss and international medias.

On searching on www.google.com with the search query:

"Swiss bank accounts",

we have found that Google Adwords directly links to the page:

<http://www.swissgates.com>

This website infringes our copyrighted work. The website www.swiss-bank-accounts.com has been created in January 2001. The infringing website www.swissgates.com had its domain name registered in October 2003.

The copyrighted works at issue are the original texts that appear on our website on:

1. <http://swiss-bank-accounts.com/e/index.html>
2. <http://swiss-bank-accounts.com/e/banking/main.html>
3. <http://swiss-bank-accounts.com/e/testimonials/index.html>
4. <http://swiss-bank-accounts.com/e/banking/accounts/swiss-postal-account.html>

Lausanne

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Sion

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Phone : ██████████

Fax : ++41 (0) 27 203 71 23

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Infringements:

1. The homepage of <http://www.swissgates.com> (exhibit 1A) contains direct cut and paste copy of the text on our home page <http://swiss-bank-accounts.com/e/index.html> (exhibit 1B).
2. The description of the "postal account" on www.swissgates.com (exhibit 2A) is also cut and pasted from our description on <http://swiss-bank-accounts.com/e/banking/main.html> (exhibit 2B).
3. The client testimonials given on the left frame of the pages www.swissgates.com, www.swissgates.com/account2.html, <http://www.swissgates.com/account1.html>, <http://www.swissgates.com/faqs.htm>, (exhibit 3A) are cut and pasted from our real clients testimonials on <http://swiss-bank-accounts.com/e/testimonials/index.html> (exhibit 3B). The "testimonial" listed as "Westchester, New York, USA" is a copy of our real testimonial from "CEO, USA". The one from "Newcastle-upon-Tyne, England" is copied from our real "IT consultant Manchester, UK", the one from "Buenos Aires, Argentina" is a copy from our "Agricultural engineer, Guinea". The only difference is that the name of our company has been replaced by "Swissgates". The testimonials on our website come from real clients and we have ample proof on file.

By using fake testimonials on their webpage, Google Adwords advertises for a website which is not only infringing copyright laws, the DMCA, but also is also fraudulent in the promotion of its services.

4. The page <http://www.swissgates.com/account1.html> (exhibit 4A) is a copy of <http://swiss-bank-accounts.com/e/banking/accounts/swiss-postal-account.html> (exhibit 4B). It was copied just before our last update.

Based upon the foregoing, we hereby demand that you remove from your sponsored links and from your listed pages the website www.swissgates.com. We insist on the fact that Google Inc. is not only listing the infringing website but also earning profits from it by selling advertisement.

You can contact us by email at [REDACTED]@[REDACTED].com .

According to their website, you can contact www.swissgates.com at info@swissgates.com . The contact address listed on the website is:

PAL Solutions LTD

[REDACTED]
[REDACTED] Street,
Huddersfield, HD1 1RL,
United Kingdom.

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I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Truly yours,

A redacted signature block consisting of three horizontal black bars. The top bar is the longest, the middle bar is shorter and centered, and the bottom bar is the same length as the top bar. A handwritten mark, possibly a checkmark or a flourish, is visible above the top bar.

Annex:

- Printout of the infringing pages authenticated by a Swiss notary
- Detailed print out of the infringing pages and of our pages